

MASSACHUSETTS Med. Soc.

A COMPILATION OF THE
STATUTES OF THE COMMONWEALTH
RELATING TO
THE MASSACHUSETTS MEDICAL SOCIETY,
TOGETHER WITH THE
BY-LAWS,
RULES AND ORDERS OF THE SOCIETY AND COUNCILLORS,
AND
CODE OF ETHICS.

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BOSTON :

DAVID CLAPP & SON, PRINTERS.

1897.

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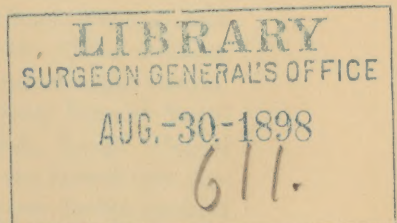
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A COMPILATION OF THE

STATUTES OF THE COMMONWEALTH

OF MASSACHUSETTS

THE MASSACHUSETTS MEDICAL SOCIETY

OF THE MEDICAL PROFESSION

BY-LAWS

AND BY-LAWS OF THE SOCIETY AND COMMITTEES

AND

CODE OF ETHICS

THE SOCIETY

BOSTON :

DAVID CLARK & SON, PRINTERS.

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A COMPILATION OF THE
STATUTES OF THE COMMONWEALTH
RELATING TO THE MASSACHUSETTS MEDICAL SOCIETY.
IN FORCE APRIL, 1897.

I.

As health is essentially necessary to the happiness of society, and as its preservation or recovery are closely connected with the knowledge of the animal economy and of the properties and effects of medicines ; and as the benefit of medical institutions, formed on liberal principles, and encouraged by the patronage of the law, is universally acknowledged: *Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Nathaniel Walker Appleton, William Baylies, Benjamin Curtis, Samuel Danforth, Aaron Dexter, Shirley Erving, John Frink, Joseph Gardner, Samuel Holten, Edward Augustus Holyoke, Ebenezer Hunt, Charles Jarvis, Thomas Kast, Giles Crouch Kellogg, John Lynn, James Lloyd, Joseph Orne, James Pecker, Oliver Prescott, Charles Pyncheon, Isaac Rand, sen., Isaac Rand, Micajah Sawyer, John Sprague, sen., Charles Stockbridge, John Bernard Swett, Cotton Tufts, John Warren, Thomas Welsh, Joseph Whipple and William Whiting, be, and they hereby are, formed into, constituted, and made a body politic and corporate, by the name of *The Massachusetts Medical Society*; and that they and their successors, and such other persons as shall be elected in the manner hereafter mentioned, shall be and continue a body politic and corporate, by the same name forever.

St. 1781,
ch. 15,
sec. 1.

II. RULES AND BY-LAWS.

St. 1781,
ch. 15,
sec. 6. The Fellows of said Society shall have full power and authority to make and enact such rules and by-laws for the better government of the said Society, as are not repugnant to the laws of this Commonwealth; and to annex reasonable fines and penalties to the breach of them, not exceeding the sum of twenty pounds, to be sued for and recovered by said Society, and to their own use, in any Court of Record within this Commonwealth proper to try the same; and also to establish the time and manner of convening the Fellows of said Society.

St. 1802,
ch. 123,
sec. 2. The Fellows at their annual meeting, whenever such a number shall be present as the regulations of the Society may require, may revise, alter, enlarge or repeal the by-laws of the said Society as the major part of the said Fellows may see fit, and not otherwise.

III. MEMBERSHIP.

St. 1859,
ch. 82,
sec. 1. No person shall become a member of The Massachusetts Medical Society except upon an examination by the censors of said Society; and any person of good moral character found to possess the qualifications prescribed by the rules and regulations of the Society, shall be admitted a Fellow of said Society.

St. 1781,
ch. 15,
sec. 5. The Fellows of said Society shall have power to suspend, expel or disfranchise any Fellows of said Society.

IV. MEETINGS.

St. 1781,
ch. 15,
sec. 6. The Fellows shall have full power and authority to establish the time and manner of convening the Fellows of said Society; and to determine the number of Fellows that shall be present to constitute a meeting of said Society; and that their meetings shall be held in the town of Boston or such other place within this Commonwealth as a majority of the members present in a legal meeting shall judge most fit and convenient.

St. 1850,
ch. 20,
sec. 6. The annual meeting of the Society may be held in such one of the principal towns or cities of the Commonwealth as the Society or the Councillors shall from year to year determine.

V. OFFICERS.

The Fellows of the Society shall have full power and authority, from time to time, to determine, and establish the names, number, and the duty of their several officers, and the tenure or estate they shall respectively have in their offices, and also to authorize and empower their President or some other officer, to administer such oaths to such officers, as they, the Fellows of the Society, shall appoint and determine for the well-ordering and good government of the Society, provided the same be not repugnant to the laws of this Commonwealth.

Each of the District Societies into which The Massachusetts Medical Society has been or may be divided, may elect annually, by ballot, from among its members, the Councillors and Censors to which, by the by-laws of the Society, it may be entitled. The terms of office of such Councillors and Censors may begin at such times as shall be fixed by the rules and by-laws of the Society, and they shall hold their respective offices until others have been elected in their places.

At the first meeting of the Councillors, either preceding or succeeding the annual meeting of the Society as the Society may by its rules and by-laws determine, the said Councillors shall proceed to appoint, from among themselves, a President, and such other officers of the said Corporation as are and shall be required in the rules and by-laws thereof to be so appointed.

Except as above provided, the Fellows of said Society may from time to time elect such officers as they shall judge necessary and convenient.

At any meeting of the said Councillors they may fill any vacant office.

VI. COUNCILLORS.

The Councillors of the said corporation shall assemble and convene three times in the year at such times and places as the by-laws of the said corporation shall direct.

The first stated or annual meeting of the Councillors shall be held in the same place as the annual meeting of the Society of the year shall be held, and within thirty days before or after said annual meeting, as the Society shall in their by-laws direct.

St. 1802,
ch. 123,
sec. 3.

The said Councillors shall assemble and convene at any other times, as the by-laws of the said corporation shall direct, and whenever notified to convene by their presiding officer; and the meeting of the said Councillors shall be held in the town of Boston, or as near thereto as may be.

St. 1802,
ch. 123,
sec. 3.

At any meeting of the said Councillors they may perform any duties as the by-laws of said corporation may direct.

VII. DISTRICT SOCIETIES.

St. 1802,
ch. 123,
sec. 5.

The Councillors upon the application of any five members of the said Society, may establish within such Districts and portions of this Commonwealth as they shall think expedient, subordinate societies and meetings, to consist of the Fellows of the said corporation residing within such districts respectively, wherein the communication of cases and experiments may be made, and the diffusion of knowledge in medicine and surgery may be encouraged and promoted. And the members of such subordinate societies shall be holden to report to the Councillors of the general Society all such cases as may be selected for their importance and utility; and the said subordinate societies shall be subject to the regulations of the general Society, in all matters wherein the general Society shall be concerned; and the said subordinate societies may appoint their own officers, and establish regulations for their particular government, not repugnant to the by-laws of the general Society; and shall be capable to purchase, and receive by donation, books, philosophical and chirurgical instruments, or other personal property, and may hold and dispose of the same, exclusively of any authority of the general Society.

VIII. SEAL.

St. 1781,
ch. 15,
sec. 3.

The Fellows of the Society shall have one common seal, and power to break, change and renew the same at their pleasure.

IX. SUITS.

St. 1781,
ch. 15,
sec. 1.

The Fellows of the Society may sue and be sued in all actions, real, personal, or mixed, and prosecute and defend the same unto final judgment and execution, by the name of The Massachusetts Medical Society.

The Treasurer, for the time being, of The Massachusetts Medical Society is hereby authorized to sue, in the name of said Society, in any action of debt, before any Court proper to try the issue, for such sums of money as may become due to said Society from any person being, or who has heretofore been, or who shall hereafter become a Fellow thereof, for the annual, or other assessments of said Society, or for penalties accruing under and by virtue of the by-laws and votes of said Society, by declaring generally, against the defendant, as indebted to said Society for the penalty accruing from the breach of any by-law thereof, or for a sum becoming due by virtue of any legal vote of said Society, (as the case may be) setting forth the substance only of such by-law or vote: and the Society shall thereupon recover judgment for so much debt or damages as they shall prove to be due, and no more.

St. 1831,
ch. 146,
sec. 2.

X. FUNDS.

The Fellows of the Society may, and shall forever, be deemed capable in law of having, holding, and taking in fee simple, or any less estate by gift, grant, devise, or otherwise, any land, tenement, or other estate, real or personal; provided, that the annual income of the whole real estate that may be given, granted or devised to, or purchased by the said Society, shall not exceed the sum of two hundred pounds, and the annual income or interest of said personal estate shall not exceed the sum of six hundred pounds; all the sums mentioned in this act to be valued in silver at six shillings and eight pence per ounce; and the annual income or interest of the said real and personal estate, together with the fines and penalties paid to said Society or recovered by them, shall be appropriated to such purposes as are consistent with the end and design of the institution of said Society, and as the Fellows thereof shall determine.

St. 1781,
ch. 15,
sec. 9.

The Society is authorized to use the annual income of their permanent fund to defray their current expenses.

St. 1850,
ch. 20,
sec. 3.

XI. SERVICE IN THE MILITIA.

The Fellows of the said corporation shall not be liable to be enrolled or mustered in the militia of this Commonwealth.

St. 1802,
ch. 123,
sec. 7.

BY - L A W S .

FELLOWSHIP.

I. CANDIDATES for admission into THE MASSACHUSETTS MEDICAL SOCIETY may be either male or female; and every candidate must, by examination, as hereinafter provided, satisfy the Censors of the Society that he is not less than twenty-one years of age; that he is of sound mind, and good moral character; that he has a good general English education; that he has a knowledge of the principles of experimental philosophy; that he has such an acquaintance with the Latin language as is necessary for a good medical and surgical education; that he has studied medicine and surgery three full years under the direction, and attended the practice, of some reputable, regularly educated physician or physicians; that he has attended two terms of study, or two full courses of lectures in separate years, at an authorized medical school, recognized by the Councillors of the Society, and possesses a diploma or its equivalent from such school; that he does not profess to cure diseases by, nor intend to practise, spiritualism, homœopathy, allopathy, Thomsonianism, eclecticism, or any other irregular or exclusive system, generally recognized as such by the profession or declared so by the Councillors of the Society; and that he possesses such other qualifications as the Society may deem necessary.

II. A candidate found to possess the qualifications above prescribed, shall, after paying the assessment for the current year and subscribing to the By-Laws, become a Fellow of the Society.

III. Every Fellow on admission to the Society shall receive from the Recording Secretary a certificate of membership, signed by the President and Recording Secretary, and sealed with the seal of the Society.

HONORARY MEMBERS.

1 IV. Honorary Members of the Society, who shall have the
 2 right to attend and address its meetings, but shall not possess other
 3 rights or privileges in the Society, nor be liable to assessment,
 4 may be elected by a vote of two-thirds of the Councillors present
 5 and voting; provided nominations for such membership shall
 6 have been made in writing by two or more Fellows at a meeting
 7 of the Councillors, and referred to the Committee on Member-
 8 ship and Finance, and reported on at a subsequent meeting.

RETIRED MEMBERS.

9 V. A Fellow who has arrived at the age of sixty-five years,
 10 has paid all his assessments, unless duly excused from them,
 11 may, upon a request in writing to the Treasurer of the Society,
 12 and on recommendation of the Committee on Membership and
 13 Finance and by a vote of the Councillors, become a Retired Mem-
 14 ber. A Retired Member shall be entitled to all the privileges
 15 of a Fellow, and shall conform to all the requirements of the
 16 Society, and be subject to all its penalties, except that he shall not
 17 be liable to assessments, nor be bound to accept any office. A
 18 Retired Member may, on application in writing, be restored to full
 19 Fellowship by a vote of the Councillors at any Stated Meeting.

ASSESSMENTS.

20 VI. Every Fellow of the Society, unless a Retired Member,
 21 shall be annually assessed such a sum as the Councillors shall
 22 determine, to be paid in advance on or before the annual meeting
 23 of the Society; but assessments may be remitted in any case, on
 24 the recommendation of the Committee on Membership and Fi-
 25 nance, by a vote of the Councillors.

RESIGNATIONS.

26 VII. A Fellow whose dues have been paid or remitted may,
 27 by vote of the Councillors, on written application and for satis-
 28 factory reasons, first examined and reported upon by the Committee
 29 on Membership and Finance, be allowed to resign his Fellowship
 30 and to withdraw from the Society.

ETHICS AND DISCIPLINE.

VIII. A Fellow who has not paid an assessment to the Society 1
for three years, and who, after due notification of his delinquency, 2
neglects or declines, without sufficient excuse, to pay his dues, 3
may, on report of the Committee on Membership and Finance, 4
be deprived of the privileges of a member by a vote of the 5
Councillors. Any one who has been deprived of the privileges 6
of a member in consequence of the non-payment of dues, may, on 7
application in writing, be restored to the privileges of a member by 8
a vote of the Councillors. 9

A Fellow may be censured, disfranchised, or expelled, or be 10
deprived of his privileges by the Fellows, on conviction by a 11
Board of Trial, upon any of the following charges made to the 12
President of the Society in writing, and signed by three or more 13
Fellows, viz. :— 14

Conviction for any crime. 15

Gross or notorious immorality. 16

Attempt to disorganize or to destroy the Society. 17

Breach of the By-Laws of the Society, for which censure, 18
disfranchisement, expulsion, or deprivation of privileges is made 19
the penalty. 20

Furnishing to any person, or presenting in his own behalf, a 21
false certificate or statement of character or studies as a student, 22
or principles as a practitioner of medicine, tending to deceive the 23
public or the Censors of the Society. 24

Conduct unbecoming and unworthy of an honorable physician 25
and Fellow of this Society. 26

IX. Any person engaged in the practice of medicine or sur- 27
gery in this Commonwealth, who has not received such a medical 28
education as is prescribed by By-Law I., and any one guilty of 29
practices forbidden to Fellows, shall be deemed an irregular 30
practitioner; and it shall be unbecoming for any Fellow to advise 31
or consult with any such irregular practitioner, or in any way to 32
abet or assist him as a practitioner of medicine or surgery. 33

1 X. Any person who advertises for sale, or otherwise offers
 2 to the public, any medicine the composition of which he keeps
 3 secret, or who offers to cure any disease by any such secret
 4 medicine, or by any secret treatment, shall be considered an
 5 irregular practitioner; and, if a Fellow of this Society, shall be
 6 liable to expulsion, or to such other penalty as a Board of Trial
 7 may have power to inflict.

8 XI. The Councillors shall appoint annually a Committee of
 9 five, three of whom shall constitute a quorum, to be called the
 10 Committee on Ethics and Discipline, whose duty shall be to
 11 listen to complaints or charges which any individual or Society
 12 may wish to bring against a Fellow, and to cause such charges to
 13 be carried before a Board of Trial if they shall think it expedient;
 14 and whose further duty shall be to consider any personal
 15 matters or questions of privilege, so called, when the hearing
 16 thereof in general meeting is objected to by any Fellow; and to
 17 report upon any question of Ethics or Discipline which may be
 18 referred to them for such purpose by the Councillors or by the
 19 Society.

MEETINGS.

20 XII. The annual meeting of the Fellows of the Society shall
 21 be held on the second Wednesday in June, in such one of the
 22 towns or cities of the Commonwealth as the Councillors shall,
 23 from year to year, determine.

24 Special meetings of the Fellows may be called and held at such
 25 place and time, and in such manner, as the Councillors may determine.
 26

27 Ten Fellows shall constitute a quorum at any meeting of the
 28 Society, but a less number may adjourn from time to time.

DISTRICT SOCIETIES.

29 XIII. The Councillors shall divide the Commonwealth into
 30 such portions or Districts as they shall deem expedient, and they
 31 may in like manner make alterations and subdivisions thereof.
 32 They shall duly establish within each such District a District
 33 Medical Society, to consist of all the Fellows of The Massachusetts
 34 Medical Society residing in such District, and none others.

XIV. Each District Society shall hold its annual meeting 1
 between the fifteenth day of April and the fifteenth day of May, 2
 at which meeting there shall be elected a President, who shall be 3
ex-officio a Vice-President of The Massachusetts Medical Society; 4
 a Secretary, a Treasurer, a Librarian, a Commissioner of Trials, 5
 and such other officers as may be required by the By-Laws of such 6
 Society. There shall also be elected at the same time, by ballot, 7
 the number of Councillors to which such Society may be en- 8
 titled, and five Censors. The Censors shall have been Fellows 9
 of The Massachusetts Medical Society for at least ten years, and 10
 one of their number shall be also a Councillor, and be designated 11
 a Supervisor. 12

The term of service of the Councillors and of the Censors shall 13
 begin on the day preceding the annual meeting of The Massa- 14
 chusetts Medical Society. 15

If a District Society fail to elect such officers, or any of them, 16
 the officers previously chosen shall hold their respective offices 17
 until others shall have been elected. 18

XV. The Secretary of each District Society shall, at least 19
 fifteen days before the annual meeting of the Councillors, fur- 20
 nish the Recording Secretary of The Massachusetts Medical So- 21
 ciety the names and residences of the officers of such District 22
 Society, and of the Councillors and Censors chosen at its annual 23
 meeting, together with the full names and residences of those, 24
 not already reported, who have been admitted to Fellowship 25
 during the year. He shall also report any changes made in the 26
 By-Laws of such District Society. 27

XVI. The Treasurer of each District Society shall collect the 28
 assessments therein. He shall, on or before the annual meeting 29
 of the Councillors, report to the Treasurer of The Massachusetts 30
 Medical Society all the assessments charged on his books, stating 31
 whether paid or unpaid; and transmit the balance of the 32
 amount collected, after deducting such reasonable expenses as he 33
 may have incurred, and five per cent. for his services; and such 34
 return and remittance shall be a full release from any demand 35
 arising from the charge created in By-Law XXVIII. He shall 36

1 also report the deaths and removals of Fellows which have oc-
 2 curred in the District, and any circumstances respecting the
 3 pecuniary abilities of the members which it may be important
 4 for the Treasurer to know. In case a District Treasurer shall
 5 neglect to make his return as herein provided, he shall be liable
 6 to be proceeded against according to law for the whole amount
 7 of assessments charged to him on his list.

8 XVII. District Societies may make regulations for their own
 9 government not repugnant to the By-laws of The Massachusetts
 10 Medical Society.

COUNCILLORS.

11 XVIII. Each District Society shall choose, from among its
 12 Fellows, Councillors in the proportion of one to every twelve
 13 of its Fellows and a majority fraction thereof.

14 XIX. The Councillors shall hold three stated meetings
 15 annually; — the first, which shall be the annual meeting, shall
 16 be held on the day preceding the annual meeting of the Society,
 17 in the same city or town where the meeting of the Society is to
 18 be held; — the second, on the first Wednesday in October; — and
 19 the third, on the first Wednesday in February. The second and
 20 third meetings shall be held at such hour and place, in the city of
 21 Boston, as the President shall direct.

22 Special meetings of the Councillors may be called by the Presi-
 23 dent, or by vote of the Councillors, or by the Recording Secretary
 24 on request in writing by five Councillors.

25 Nine Councillors shall constitute a quorum for the transaction
 26 of business; but a smaller number may adjourn from time to
 27 time.

28 XX. The Councillors shall choose, at their annual meeting,
 29 by ballot, the following officers of the Society, viz.: a President,
 30 who is a Councillor; a Vice-President. Corresponding Secretary,
 31 Recording Secretary, Treasurer, and Librarian. The terms of
 32 office of the officers so chosen shall begin on the day succeed-
 33 ing the day appointed for the annual meeting of the Society,

and they shall continue to hold their respective offices until others shall have been respectively chosen and qualified in their stead. 1 2

The Councillors may choose such other officers as they may deem necessary for the transaction of the business of the Society; and they may at any meeting fill for the remainder of the term any office in the Society which shall be vacant. 3 4 5 6

The Councillors shall also designate in what city or town within the Commonwealth the annual meeting of the Society shall be held; they shall choose from among the Fellows of the Society a Committee on Membership and Finance, a Committee on Ethics and Discipline, a Committee on Publications, a Committee of Arrangements for the annual meeting, a Committee on Medical Diplomas, and a Committee on State and National Legislation; and they shall also appoint a Fellow to deliver at the annual meeting a Discourse on some subject, of his own selection, connected with medical science. 7 8 9 10 11 12 13 14 15 16

In case of the non-acceptance, death, or absence of the Fellow appointed to deliver the Annual Discourse, it shall be the duty of the President of the Society, with the Committee of Arrangements for the annual meeting, to appoint a substitute. 17 18 19 20

A copy of every Annual Discourse shall be deposited with the Recording Secretary within ten days after it has been delivered. 21 22

CENSORS.

(1) BOARD OF SUPERVISORS.

XXI. The Censors, elected and designated Supervisors by the District Societies, shall form a Board of Supervisors. They shall elect their own chairman, but the Recording Secretary of The Massachusetts Medical Society shall be the Secretary of the Board. 23 24 25 26 27

For the transaction of business five Supervisors shall constitute a quorum. 28 29

The Supervisors shall hold an annual meeting on the same day as that of the Councillors; and may hold other meetings at such places and times as they may appoint. Their necessary travelling expenses shall be paid by the Society. 30 31 32 33

At the annual meeting the Board of Supervisors shall adopt a uniform plan, consistent with the requirements of the By-Laws, 34 35

2 to be pursued by each District Board of Censors in the examina-
 1 tion of candidates for Fellowship. They shall direct the Secre-
 3 tary to furnish at the expense of the Society such blanks and
 4 examination papers as they shall approve for the purpose of
 5 facilitating the examination of candidates; and each Supervisor
 6 shall transmit to the Board of Censors for the District Society to
 7 which he belongs, together with the necessary examination papers,
 8 a report of the plan adopted for a uniform examination. In
 9 all examinations he shall see that such plan is properly executed.

(2) EXAMINATION OF CANDIDATES.

10 Candidates for Fellowship shall make application for examina-
 11 tion to the Secretary of the District Society of the District in
 12 which they reside.

13 The Censors for the several Districts shall meet for the ex-
 14 amination of candidates for Fellowship at 2 P.M., on the second
 15 Thursday in November and in May in each year, and at such
 16 other times as the Councillors may direct.

17 The Censors for the Suffolk District shall officiate for that
 18 District and for the Society at large. They shall meet in Boston,
 19 and may advertise the meetings in such manner as they may
 20 determine; but they shall not examine any candidate who is
 21 already a resident, or in practice, in any other District of the
 22 Commonwealth.

23 The Censors for the other Districts shall hold their meet-
 24 ings for the examination of candidates residing in their respective
 25 Districts, and none other, but shall not advertise the meeting
 26 unless in any case the District Society shall direct such advertise-
 27 ment to be made at its own expense.

28 The Supervisor for the District shall preside at the meetings of
 29 the Board of Censors.

30 Three Censors shall constitute a quorum of the Board.

31 XXII. The Secretary of each District Society shall be Secre-
 32 tary of the Board of Censors for such District; and shall call and
 33 attend all the meetings of the Board. He shall report all unex-
 34 cused absences to the Treasurer of The Massachusetts Medical
 35 Society. He shall keep a faithful record of the meetings and
 36 transactions of the Board in the Record Book provided therefor.

The Censors shall examine at each stated meeting, according to the By-Laws of the Society and in conformity with the direction of the Board of Supervisors, only such candidates as have received the education required and are otherwise duly qualified for examination.

No candidate shall be adjudged to possess the requisite qualifications for Fellowship unless he shall pass an examination satisfactory to at least three of the Censors making the examination.

If the examination of a candidate is not satisfactory, he shall not be re-examined for a period of six months thereafter.

The Secretary of the District Society shall cause the names of the successful candidates for Fellowship to be duly enrolled, and shall obtain from the Recording Secretary of The Massachusetts Medical Society certificates of Fellowship; and he shall personally see that all the formal requirements of the By-Laws have been complied with by each candidate before delivering him such certificate.

The Censors for each District, and the Secretary of the District, shall receive for their services from the treasury of The Massachusetts Medical Society the sum of three dollars for every candidate examined by them, which sum shall be equally divided among them; and each Censor who shall neglect or refuse to attend a meeting of the Board of Censors, for which he has been duly notified, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of five dollars to the Treasurer of The Massachusetts Medical Society.

DUTIES OF OFFICERS.

XXIII. The PRESIDENT shall preside at meetings of the Society and of the Councillors. He shall perform such other duties as may be assigned to him.

In case of disability or absence of the President, or at his request, his duties shall devolve on the Vice-President elected by the Councillors. If both President and such Vice-President are absent from any meeting, the senior Vice-President *ex-officio* present shall preside.

1 XXIV. The CORRESPONDING SECRETARY shall have custody
 2 of all letters and communications transmitted to the Society or to
 3 the Councillors. He shall prepare and transmit such communica-
 4 tions as the Society or Councillors may authorize. He may cause
 5 letters or communications written in any foreign language to be
 6 translated into English. He shall perform such other duties as
 7 may be assigned to him.

8 XXV. The RECORDING SECRETARY shall keep the seal of
 9 the Society; and he shall have custody of the Records of the
 10 Society and of the Councillors, and of all papers directed by them
 11 to be kept on file. He shall give notice of, and attend, the meetings
 12 of the Society and of the Councillors; shall keep a record of
 13 their proceedings respectively, and of the doings of the Com-
 14 missioners of Trials; and shall read, at the meetings of the
 15 Society, all such communications as the Councillors may
 16 direct. He shall receive and record the nominations of candidates
 17 for Honorary Membership, and lay them before the Councillors.
 18 He shall furnish the requisite blanks for the Censors, and shall
 19 attend to the preparation of diplomas and certificates of Fel-
 20 lowship. He shall keep a complete list of the Fellows of the
 21 Society, and shall, one week at least before the annual meet-
 22 ing, transmit to the Treasurer of the Society a correct list of
 23 all who have become Fellows during the year, and shall read the
 24 same at the annual meeting of the Councillors and of the Society.
 25 He shall notify the chairman of every committee appointed by
 26 the Society or Councillors, in each case stating the commission
 27 and the names of the committee; and he shall perform such other
 28 duties as may be assigned to him.

29 XXVI. If, at any meeting of the Society or of the Council-
 30 lers, or of a Board of Trial, or at any other meeting where such
 31 services are required, one of the Secretaries be absent, and the
 32 other present, the latter shall perform the services of both, so far
 33 as may be; but, as soon as possible, he shall arrange, and deliver
 34 to the absent Secretary, the papers belonging to his department.
 35 If neither be present, a Secretary *pro tempore* shall be appointed
 36 by the meeting. An assistant Secretary may be appointed by any
 37 meeting whenever the occasion may seem to require one.

XXVII. The Records of the Society and of the Councillors 1
 shall be produced at every annual meeting of the Society, and 2
 placed by the Secretary in some convenient place for the inspec- 3
 tion of such of the Fellows as are desirous of consulting them; 4
 and, at all other times, it shall be the duty of the Secretaries to 5
 grant every reasonable indulgence to any Fellow of the Society 6
 who may wish to examine the records. 7

XXVIII. The TREASURER shall give security for the trust 8
 reposed in him, whenever the Councillors shall judge it to be re- 9
 quisite, and the funds of the Society will admit of a compensation 10
 for his services. He shall demand and receive all money due to 11
 the Society, together with all bequests and donations. He shall, 12
 if necessary, sue for all fines and assessments due to the Society. 13
 He shall, under the direction of the Councillors, sell or lease any 14
 estate belonging to the Society, and execute the necessary papers; 15
 and shall, in general, subject to their directions, have the care and 16
 management of the fiscal concerns of the Society; and he shall 17
 keep an accurate statement of all receipts and expenditures. He 18
 shall not pay any money out of the treasury without a written 19
 order from the President. He shall subject his accounts to such 20
 examination as the Councillors may order. He shall annually 21
 render to the Society an account of his doings, and of the state of 22
 the funds in his hands. He shall annually, on or before the first 23
 day of January, send to the several District Treasurers lists of all 24
 the assessments remaining due from the members of the District 25
 Societies respectively, and shall authorize these Treasurers to col- 26
 lect such assessments and shall charge the same to them. He 27
 shall perform such other duties as may be assigned to him. 28

XXIX. The LIBRARIAN shall have in his custody the 29
 books, museum, instruments and apparatus of the Society; he 30
 shall keep an accurate register of the same, and arrange them in a 31
 proper manner; and shall make such disposal of them as 32
 the Councillors may direct for the benefit of the Fellows. 33
 He shall make an annual statement of the business of his 34
 department to the Councillors; and he shall carefully record all 35
 donations to the Society received by his department. He shall dis- 36

1 tribute the publications of the Society in such manner as the
 2 Councillors shall direct; and he shall perform such other duties
 3 as may be assigned to him.

4 XXX. Any officer of the Society may resign his office, or may
 5 be removed therefrom by order of the Councillors for neglect or
 6 misconduct. In case of the temporary absence or disability of an
 7 officer, the President may appoint a substitute to serve until the
 8 next meeting of the Councillors.

TRIALS FOR OFFENCES.

9 XXXI. When charges of infraction of the By-Laws shall be
 10 duly made against any Fellow of the Society, the President shall
 11 thereupon select five of the Commissioners of Trials, who shall
 12 constitute a Board of Trial for the pending case. He shall ap-
 13 point a time and place for the meeting of such Board, and shall
 14 notify the Commissioners appointed, and also the complainants
 15 and the accused party, of the appointed time and place.

16 The Board of Trial shall be empowered and required to meet
 17 as above provided, and three members shall constitute a quorum,
 18 though a less number may adjourn a meeting from time to time.
 19 If a quorum be present, they shall organize, and hear and try the
 20 charges preferred; and, if convinced that the charges have been
 21 substantiated by the complainants, they shall convict the accused
 22 thereof; or, otherwise, they shall acquit him; and in case of
 23 conviction, shall declare sentence such as the laws of the Society
 24 authorize.

25 If, after due notification, the accused party shall fail to appear
 26 at the time and place of trial, without satisfactory excuse ren-
 27 dered at the time, he shall be considered as admitting the truth
 28 of the charges against him, and shall be liable to sentence accord-
 29 ingly.

30 Upon showing to the Councillors, at their next subsequent
 31 stated meeting, such cause as shall by them be deemed reasonable
 32 therefor, the accused shall be entitled to a revision of his trial by
 33 the Councillors, who may, according to their judgment, confirm or
 34 reverse the previous decision, or may order a new trial by another
 35 Board of Trial.

Legal counsel shall be inadmissible at trials; but Fellows of the Society may be heard as advocates. 1 2

The Recording Secretary of the Society shall be Secretary of the Boards of Trial, and shall attend all trials and keep a record of the Commissioners present and of their doings, and shall report all unexcused absences to the Treasurer of the Society. He shall enter the charges preferred, and the result of trial in each case, on the Records of the Society. In case of a conviction, after a revision by the Councillors, or, if no appeal is made, after the time for revision has passed, he shall communicate the sentence to the Society, and move that the sentence be imposed by the Society, and the motion shall be decided at once by the Society without debate. Whenever a sentence shall be thus imposed, the Secretary shall send a notice thereof to the President of each District Society, to be laid before the same. 3 4 5 6 7 8 9 10 11 12 13 14 15

Each Commissioner, and the acting chairman of the Committee on Ethics and Discipline when prosecuting officer, shall be entitled to receive from the treasury three dollars a day for the time necessarily spent in attendance on a trial, with the necessary expenses of travel, as may be determined by the Secretary; and each commissioner who shall neglect or refuse to attend the trial for which he has been designated, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of ten dollars to the Treasurer of the Society. 16 17 18 19 20 21 22 23 24

The President of the Society shall temporarily fill all vacancies by death or resignation, or by other causes, in the Commissioners of the District Societies, in the Boards of Trial, or in the chairmanship of the Committee on Ethics and Discipline 25 26 27 28

PUBLICATIONS.

XXXII. All reports on scientific subjects, and all scientific papers, read to the Society, shall be referred to the Committee on Publications, with instructions to refer each respectively to a Committee of Experts, whose names shall not be disclosed, and such reports and papers as the Committee of Experts shall designate as worthy of publication, may be published at the expense of the Society, if there be unappropriated funds in the treasury, as the Committee on Publications, with the sanction of the Councillors, 29 30 31 32 33 34 35 36

1 shall direct. A copy of every paper read before the Society shall
2 be deposited with the Recording Secretary within ten days after
3 the meeting at which it is presented; but in case of its non-
4 reception by the Secretary within the above-named time, it shall
5 be considered that the writer declines to submit the paper with a
6 view to its publication.

AMENDMENTS OF BY-LAWS.

7 XXXIII. Proposals for amendments to the By-Laws shall be
8 submitted in writing to the Councillors, to be reported to the
9 annual meeting of the Society for action thereon.

RULES AND ORDERS.

10 XXXIV. The Society or the Councillors may at any stated
11 meeting, notice having been given at a previous stated meeting or
12 in the call for the meeting itself, respectively adopt Rules or
13 Orders for their own better government, or amend, or annul any
14 such Rules or Orders; but such Rules or Orders shall not be
15 temporarily suspended except by an affirmative vote of at least
16 three-fourths of the Fellows or Councillors present and voting.

RULES AND ORDERS

OF

THE SOCIETY.

1. AT the annual meeting of the Fellows, the following order shall be observed in the transaction of business:—

(1) The proceedings of the last annual meeting shall be read by the Recording Secretary, who shall also lay before the Society the records of the transactions of the Councillors for the year preceding, and shall report the names of those who have become Fellows or Honorary Members of the Society during that time.

(2) Reports of Committees.

(3) Attention shall be given to any scientific communications which the Councillors, or any Fellow of the Society, may present.

(4) Any propositions or suggestions, which may be thought conducive to the welfare of the Society, or to the general interests of medical science, may be brought forward by any Fellow. Upon such propositions or suggestions, the Society shall decide by vote whether to engage in the consideration of the same.

2. At 12 o'clock, M., the President shall call upon the person appointed to deliver the Annual Discourse; and other business shall be suspended until the discourse shall have been delivered.

3. On the day of the annual meeting a dinner shall be provided, at the expense of the Society, under the direction of the President and the Committee appointed for that purpose.

4. An invitation to the dinner may be given to such professional strangers as the President of the Society shall think proper to notice in this manner.

5. Literary gentlemen interested in medical science, and students in medicine, shall be publicly invited to hear the Annual Discourse.

RULES AND ORDERS

OF

THE COUNCILLORS.

1. A publication shall be issued annually, under the direction of the Committee on Publications, the Treasurer, and the Secretaries of the Society, as early as may be after the annual meeting. Such publication shall contain the Annual Discourse, unless otherwise directed by the Society or the Councillors, and such other medical communications as the Society or the Councillors may authorize to be so published; and, in an Appendix, an abstract of the Proceedings of the Society and of the Councillors, comprising the names of all Councillors present at each meeting of the Board; the record of their transactions, excepting such as are of a private or personal nature; a list of the officers of the Society, and of each District Society; and a list of those who have become Fellows or Honorary Members, and of those who have resigned Fellowship or deceased during the preceding year.

2. All printed publications shall be in octavo.

3. All publications of the Society shall be distributed by the Librarian, by mail or express, or through the medium of the District Societies, unless otherwise especially requested, to Fellows who have paid their dues for the corresponding year, and to such Honorary and Retired Members as may annually apply for them.

4. The Recording Secretary shall issue, and send by mail to every Fellow, one month before each annual meeting, a circular which shall contain—

(1) A notification of the time and place of the annual meeting of the Fellows;—

(2) A similar notification of the stated meetings of the Councillors for the whole year, and of the stated meetings of the Boards of Censors;—

(3) All necessary information concerning the payment of assessments, admission to the annual dinner, and the distribution of the Society's publications.

5. At meetings of the Councillors, all nominations of committees shall be made by the President, unless otherwise ordered.

6. At the third stated meeting of the Councillors, there shall be chosen a committee to examine the Treasurer's accounts on the week preceding the annual meeting. The committee shall report to the Councillors at their annual meeting.

7. Balloting for Honorary Members shall be by black and white balls.

STANDING VOTES AND RESOLVES.

Voted, That the annual assessment be five dollars.

Voted, That the fee for the engraved diploma of Fellowship be fixed at five dollars. (*Councillors' Proceedings*, May 29, 1866.)

Resolved, That it shall be the duty of each District Medical Society at its annual meeting to select one of its Councillors as its representative in the Nominating Committee for the Officers of The Massachusetts Medical Society; and in case of neglect of any District Society in the performance of such duty, the selection shall devolve on its Councillors who may be present at the annual meeting of the Councillors. (*Councillors' Proceedings*, Feb. 4, 1874.)

Resolved, That in the opinion of the Councillors it is "unbecoming" and deserving of a penalty for a Fellow of The Massachusetts Medical Society not to appear as a witness before a Board of Trial, when summoned there by the Committee on Ethics and Discipline, without sending at the time an excuse satisfactory to the Board of Trial. (*Councillors' Proceedings*, Feb. 3, 1875.)

Voted, Whenever a Fellow of this Society owing more than one assessment pays for one year or more, the payment or payments so made shall be invariably considered as for the assessments longest due, and for none others. (*Councillors' Proceedings*, June 13, 1876.)

Voted, That "the current year," By-Law II., p. 9, line 23, for the purposes of said By-Law, begin on the fifteenth of April of each year; all resolves or votes to the contrary are hereby annulled. (*Councillors' Proceedings*, June 13, 1876.)

Ordered, That at the end of the present financial year and thenceforward, annually, there shall be set aside, as a dividend, such portion of the balance remaining in the Treasury as the Committee on Finance in consultation with the Treasurer shall determine, subject to the approval of the Councillors at their annual meeting,—to be distributed to the several District Societies in proportion to the number of the annual assessments which shall have been paid in advance by the said Societies respectively. (*Councillors' Proceedings*, Oct. 4, 1876.)

Voted, That all charges against Fellows of The Massachusetts Medical Society of a *criminal nature* should be referred by the Fellow cognizant thereof to the *legal prosecuting officer* of the District where they occur. (*Councillors' Proceedings*, June 12, 1877.)

Whereas, It is evident that the affairs of the Society can be best administered by the coöperation of those who have the widest experience with its conditions in all sections of the State:—

Resolved, That, in the opinion of the Council, it is advisable that District Societies shall include in their election to the Councillors such ex-Presidents of The Massachusetts Medical Society as may reside therein. (*Councillors' Proceedings*, June 12, 1894.)

CODE OF ETHICS

OF THE

MASSACHUSETTS MEDICAL SOCIETY.

Object of a Code of Ethics.

1 The Massachusetts Medical Society is designed to secure to
2 the public a body of well-educated and otherwise trustworthy
3 physicians. Its code of ethics is intended to furnish certain
4 principles and rules of action for their guidance and convenience.

I.

The Relation of the Physician to Medical Science.

5 A physician should lend his influence to encourage sound
6 medical education, and to uphold in the community correct
7 views of the powers and the limitations of medical science and
8 art.

II.

The Relation of the Physician to Medical Business.

9 The professional success of a practitioner depends upon quali-
10 ties connected with his moral character, his scientific attainments,
11 and also his industry and business talent. But the relation of
12 practitioners of medicine to families and households is not like
13 that of tradesmen to their customers. The kind of competition
14 which might be considered honorable in business cannot exist
15 between physicians without diminishing their usefulness and
16 lowering the standing of the medical profession. (See IV. § 1;
17 V. § 1.)

III.

The Relation of the Physician to his Patients.

18 The first duty of the practising physician is to his patient, who
19 has a right to expect that his disease shall be thoroughly inves-
20 tigated and skilfully treated, with charitable consideration for

his mental peculiarities or infirmities, and in a relation strictly confidential.

1. The physician should not make unnecessary visits. He should neither permit needless apprehension, nor fail to give seasonable notice of danger.

IV.

The Relation of the Physician to other Practitioners and to their Patients.

In his relations with another medical practitioner and his patients, a physician should be governed by strict rules of honor and courtesy. His conduct should be such as, if universally imitated, would insure the mutual confidence of all medical practitioners.

The foregoing rule should be a sufficient guide of action. Some of the following contingencies will illustrate its application:—

1. A physician should take no step with a view directly or indirectly to divert to himself the patient or practice of another physician.

2. If formally requested to assume charge of a patient or family usually attended by another physician, he should consent to do so only after notifying the latter,—unless the case be one of pressing necessity.

3. If a physician is called to a patient during the temporary absence or illness of the usual physician, or in case of accident or other emergency, he should direct that the former be sent for as soon as he is able to take charge of the case, and should then relinquish it to him. It is generally agreed, that, among several physicians thus called, he who first arrives shall act, unless the family designate another.

4. A communication from the temporary to the usual physician, in the absence of the latter, should be written and sealed, and not simply verbal.

V.

The Relations of the Physician to Quackery.

In every community there are minds naturally inclined to quackery, which has flourished in every age. It grows by being noticed, and thrives best under opposition. It is commonly unwise to employ argument against it. But a physician should lend his influence to establish a distinct line between the regular practice of medicine and the practice of quackery, and should avoid any act which might tend to weaken such a distinction either in the professional or in the public mind.

1. Thus, he should not consult with an irregular practitioner (*see By-Laws*); nor countenance the use of secret remedies; nor be interested in medical trade-marked preparations; nor give certificates recommending mineral waters, patents, or medical preparations, or the like; nor give a commission to an apothecary, nor receive one from him; nor advertise himself or his practice in public print; nor publicly advertise advice or medicines to the poor, etc.

VI.

Consultations.

Consultation should be encouraged in cases of unusual responsibility or doubt.

61 A consultation is called for the benefit of the patient, and
 62 to give him the advantage of collective skill. Should there be
 63 a difference of opinion, discussion should be temperate, and
 64 always confidential.

65 A consulting physician should be careful to say or do no-
 66 thing to impair the confidence of the patient or his family in the
 67 attending physician.

68 1. See, for guidance of a consultant, IV. §§ 1, 2, 3, 4.

69 2. At a consultation punctuality is important; and non-arrival within
 70 fifteen minutes after the appointed time should be interpreted as non-attend-
 71 ance.

72 3. For the advantage of the patient, and for economy of time, it is well in
 73 a consultation to observe a certain order of business. The following has been
 74 found convenient:—

75 The attending physician, having stated in general terms the nature of the
 76 case, may then call, in turn, upon each consultant, if there be more than one,
 77 to examine the patient,—the usual order being that of seniority. No consult-
 78 ant should make an examination or inquiry out of turn. On retiring, the
 79 attending physician may invite, in the usual order, the opinion of each con-
 80 sultant, who should not be interrupted while giving it; after which he may
 81 add his own. In conclusion a course of action may be agreed on, or the
 82 attending physician may be left to act at his own discretion.

VII.

Fees.

83 A fee-table has a local application, and is designed to indicate
 84 a fair or average amount due for services. But if the patient
 85 fully understands it beforehand, a physician is at liberty to place
 86 any value he sees fit upon his services. It is then at the pa-
 87 tient's option to decline them or to pay the price. A physician
 88 should be considerate of the poor.

89 1. A patient in moderate circumstances should not be called on to pay a fee
 90 unusually large for the service rendered, without a previous explicit understanding.
 91 A physician, if able, should offer to pay the medical attendant of himself or his
 92 family. Unless by special agreement, a physician attending or acting for another
 93 should receive the fees. Among obstetricians a rule obtains that the interval
 94 between the birth of the child and of the placenta halves the service and the fee.
 95 A fee should be charged for a medical certificate or paper of value to the applicant,—
 96 connected, for example, with absence or exemption, life insurance, pension papers,
 97 etc.: except the usual certificates of vaccination and death.

VIII.

Seniority.

98 Seniority applies rather to duration of practice at the place in
 99 question, than to age.

